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September 19, 2018

Honorable George B. Daniels
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: 1:18-cv-02878-GBD Plaintiff's Third Letter Request for Extension of Time within Which to Effectuate Service on Defendant

Dear Judge Daniels:

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, is herein requesting the entry of an order extending the time within which Plaintiff has to serve the John Doe Defendant with a Summons and Amended Complaint, and states:

1. Plaintiff commenced this action against the internet subscriber assigned IP 98.116.201.37 ("Defendant") on March 30, 2018, at which time it filed a complaint alleging that Defendant copied and distributed one or more of Plaintiff's copyrighted works, all without Plaintiff's consent. *See* CM/ECF 1. Plaintiff asserted a claim for direct copyright infringement, and requested that Defendant delete and permanently remove, and be enjoined from continuing to infringe, Plaintiff's copyrighted works. *See id.*

2. On April 11, 2018, Plaintiff was granted leave to serve a third-party subpoena on Defendant's ISP, Verizon, to obtain the Defendant's identifying information [CM/ECF 14]. Plaintiff issued the subpoena on April 11, 2018 and received the ISP's response on or about June

11, 2018.

3. Upon receipt of the subscriber's identifying information, Plaintiff began its investigation to determine that the subscriber was indeed the infringer.

4. Accordingly, Plaintiff filed its Amended Complaint to name the Defendant [CM/ECF 22] and requested that the Clerk issue a summons as to the Defendant. The Court issued the summons on September 4, 2018 [CM/ECF 24].

5. On or about September 14, 2018, Plaintiff sent the Summons and Amended Complaint to its process server. The process server is attempting to serve the Defendant at his home.

6. Pursuant to this Court's Order on Plaintiff's Second Request for Extension of Time Within Which It Has to Effectuate Service on John Doe Defendant, [CM/ECF 21], Plaintiff was required to effectuate service on the Defendant no later than September 17, 2018.

7. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended at least twenty (20) days or until October 8, 2018. The additional time will allow Plaintiff's process server to amend the complaint.

8. This request is made in good faith and not for the purpose of undue delay.

9. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended until October 8, 2018.

A proposed order is attached for the Court's convenience.

Dated: September 19, 2018

Respectfully submitted,

By: /s/ Kevin T. Conway
Kevin T. Conway, Esq. (KC-3347)

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Kevin T. Conway